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Superfund Records Center

SDMS DocID 559804

SITE: Coakley
BREAK: 119
OTHER: 559804

Direct Dial Number

January 4, 1991

BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED

U.S. Environmental Protection Agency
Steven J. Calder, Remedial Project Manager
P.O. Box 5988
J.F. Kennedy Station
Boston, MA 02114

Re: Interim Response to Request for Information for
Coakley Landfill in North Hampton, New Hampshire.

Dear Mr. Calder:

Enclosed please find Miport's Interim Response to EPA's
Request for Information in connection with the Coakley Landfill
in North Hampton, New Hampshire.

Please feel free to give me a call if you have any
questions.

Sincerely,

Lisa A. Rodensky
Lisa A. Rodensky

cc: Steven Rosenthal, Esq.
Stephen Leonard, Esq.

9729y

INTERIM RESPONSE OF
MIPORT D/B/A MIDAS MUFFLER SHOP
NEWINGTON MALL
NEWINGTON, NEW HAMPSHIRE
JANUARY 4, 1991

General Information

1. Identify all person(s) answering and the person(s) consulted in answering there questions on behalf of the Respondent.

Person answering: Victor Goulet, President, R & C Management Company, Inc., manager of Miport properties.

Persons consulted: Arthur Epstein, Miport General Partner
7 Dartmouth Street
Malden, MA 02148

Salvatore Fallete
7 Dartmouth Street
Malden, MA 02148

Kerry Stone
Assistant Manager
Midas Muffler Shop
Gosling Road
Newington Mall
Newington, N.H.

Haig Zeytoonian, Manager,
Midas Muffler Shop
Gosling Road
Newington Mall
Newington, N.H.

2. For each and every Request contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer and provide true and accurate copies of all such documents.

No response required.

3. Describe in detail all the steps undertaken in the record search and interviewing process for the purposes of responding to this information request.

I searched all record storage areas that were likely to contain records relating to the operation of the premises, including a warehouse in Chelsea, Massachusetts. In addition, I interviewed past and current employees.

- a. Identify all records which contain information on the identification, nature, and quantity of materials that have been generated, stored, or disposed of at, or transported to the Site.

I have located no records containing information on the identification, nature and quantity of materials that have been generated, stored or disposed of at or transported to the Site.

- b. Identify all persons, including Respondent's employees, agents, attorneys, contractors, and representatives, who you know, believe, or suspect have knowledge, information or documents concerning the generation use, purchase, treatment, storage, disposal or other handling of materials at, or transportation of materials to, the Coakley Landfill Site, or the ownership or operation of the Coakley Landfill Site, and for each person identified, describe the knowledge, information, or documents he or she has or is believed to have.

I do not know of any person who might have this information, except the persons who operated the Coakley Landfill Site. As stated above, none of the records or other information reviewed indicates that any material from the premises was taken to the Site.

4. For each and every Request contained herein, if information or documents responsive to this Information Request is not in your possession, custody, or control, then identify the persons from whom such information may be obtained. Additionally, if you have reasons to believe that there may be persons able to provide a more complete response to any Request contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

No response required.

Financial/Corporate Information

5. Please identify the state of incorporation, the current legal name of the Respondent and any other names by which the Respondent may be or has been known. Additionally, please provide the names and addresses of officers and directors from 1972 through the present time and the current of most recent agent for service of process in the State of New Hampshire (or, if there is no agent for service of process in New Hampshire, in any other state).

Correct legal name: Miport d/b/a/ Midas Muffler Shop. Miport owns two Midas Muffler Shop franchises: the Midas Muffler Shop in the Newington Mall, Newington, New Hampshire and the Midas Muffler Shop located at 1265 Hooksett Plaza, Hooksett, New Hampshire.

General Partners from 1972 to Present:

Arthur Epstein
7 Dartmouth Street
Malden, MA 02148 1976 - present

George Potvin
512 Canal Street
Lewiston, ME 04240 1976 - 1979

Morton Ruderman
50 Salem Street
Lynnfield, MA 01940 1979 - present

Agent for Service or Process in New Hampshire: Victor Goulet

6. Identify all principal places of business in New England for the Respondent from 1972 through the present time, including:
- a. The location of each office, plant or facility;
 - b. The dates of operation;
 - c. Describe the activities, including but not limited to all manufacturing process, repairs. and printing processes that occur or occurred at each location;
 - d. Describe the hazardous and non-hazardous materials used by each facility and provide all Material Safety Data Sheets; and

- e. Describe the hazardous and non-hazardous wastes generated by each facility.

Location of Facilities:

Midas Muffler Shop
Gosling Road
Newington Mall
Newington, N.H. 03801

Midas Muffler Shop
1265 Hooksett Plaza
Hooksett, N.H. 03106

Dates of operation:

The Newington Midas began operation on September 9, 1976.
The Hooksett Midas began operation on August 10, 1990.

Activities:

Both facilities perform routine automotive repairs, specializing in exhaust repairs, brake repairs, suspensions repairs and shock replacements. Neither shop performs general automotive repairs. No body work (or painting) is done at the shop, tires are not replaced or sold, windshields and other glass components are neither replaced nor sold, drive trains are not repaired and the shops perform no engine diagnostic or electric work or repair. The Newington Midas has never and does not now perform oil changes. The Hooksett Midas, opened in August, 1990, does perform oil changes.

Hazardous and Non-Hazardous Materials Used:

Amalie Viscous Chassis Grease, Ca-2 (petroleum hydrocarbon and calcium stearate) (Hooksett Midas only)
Amalie Imperial 2 Motor Oil (petroleum hydrocarbons plus additives) (Hooksett Midas only)
Amalie All Purpose Hi-Temp Grease, LC-2 (petroleum hydrocarbins and complex lithium soap) (Hooksett Midas only)
Amalie Tri-Vis Gear Lubricant (petroleum hydrocarbons plus additives) (Hooksett Midas only)
Amalie R&O 32 AW (petroleum hydrocarbons plus additives) (Hooksett Midas only)
Low Odor Paraffinic Solvent/Nonylphenoxypoly (Ethyleneoxy) Ethanol (hand soap)
Stoddard Solvent/Mineral Spirits
Aircomatic Gas (Argon-Carbon Dioxide mixes)
Chlorinated Brake Cleaner (aerosol container) (since 1988)
Safety-Kleen 105 Solvent-MS
Acetylene (gas)
*Asbestos (in brake shoe cores)
*Oxygen (gas)
*Hydraulic Fluid (for lift)

* MSDS sheets to be provided in subsequent filing. All other MSDS sheets for materials listed are attached as Exhibit A.

Hazardous and Non-hazardous Wastes Generated by Each Facility:

The Hooksett Midas, opened in August, 1990, generates waste oils. Both the Newington and Hooksett shops generate solvents which are used for cleaning parts. Prior to 1987, solvents used by the Newington Midas were used in a self-contained system. Solvents were pumped through pipes from a drum to a faucet and sink which drained back into the drum. From time to time, solvent would be replenished as it evaporated as a result of use. After 1987, the Newington Midas contracted with the Safety-Kleen company to provide solvent replacement and disposal as necessary. Safety-Kleen also provides solvent replacement and disposal to the Hooksett Midas. Documentation reflecting these transactions are attached as Exhibit B. A complete set of manifests reflecting the Newington transactions will be provided for EPA's review as soon as possible. Both shops generate scrap metal which is disposed of as described herein.

7. [To be answered in supplemental Response to RFI]
8. State whether or not the Respondent has merged with or become consolidated with any other corporation. If so, please provide all merger and/or consolidation documents and
 - a. Identify all other corporations involved in the merger or consolidation, including, without limitation, the name and addresses of the corporation(s) officers and directors; and
 - b. State the date such merger or consolidation occurred.

Miport has not merged with or become consolidated with any other corporation.

9. If the Respondent has been dissolved, forfeited or has filed for reorganization or bankruptcy, or has ceased to do business, please state the date of such action, name the shareholders at the time of such action, total assets and liabilities, and the date all assets of the Respondent were distributed. Provide copies of all documents evidencing such dissolution, forfeiture, reorganization or bankruptcy.

Miport has not been dissolved, forfeited, filed for reorganization or ceased to do business.

10. If assets of the Respondent were distributed, identify the nature and amount of assets distributed to each shareholder.

Assets of Miport have not been distributed.

11. If the Respondent was dissolved, forfeited, or merged or consolidated with another entity or has filed for bankruptcy or reorganization, or has ceased to do business, identify the person(s) responsible for Respondent's liabilities, including names and addresses.

Miport has not been dissolved, forfeited, filed for reorganization or ceased to do business.

12. If the Respondent is or was a subsidiary of another corporation, or if the Respondent has or had subsidiary corporations:

- a. Identify such other corporation(s);
- b. State (specify) the dates during which the parent/subsidiary relationship existed;
- c. State the names and addresses of the corporation(s) officers and directors; and
- d. Provide the state of incorporation and the agent for service of process in the State of New Hampshire (or if there is no agent for service of process in New Hampshire, in any other state) of all companies identified in this response.

Miport has never been the subsidiary of another corporation and has never had subsidiary corporations.

13. If the Respondent is a franchise, identify the name and address of the owner(s) and manager(s) from 1972 through the present time.

Miport is a partnership whose principal assets are two Midas Muffler franchises: Midas Muffler Shop, Gosling Road, Newington Mall, Newington, New Hampshire and Midas Muffler Shop 1265 Hooksett Plaze, Hooksett, New Hampshire. Miport's address is c/o Midas Muffler Shop, Gosling Road, Newington Mall, Newington, N.H. From 1976 through 1979, the general partners of Miport were Arthur Epstein and George Potvin. From 1979 to the present, the general partners of Miport were and are Arthur Epstein and Morton Ruderman. The Midas Muffler Shops are franchised by Midas International, the franchisor.

From 1972 through the present, the following persons have managed the Newington Midas Muffler Shop:

1. Alan Joseph: September 9, 1976 - December, 1979.
[Between December, 1979 and March, 1980, the Shop was closed as a result of a fire.]
2. Daniel Marquette: March, 1980 - July, 1981
3. James Barrett: July, 1981 - November, 1981
4. Haig Zeytoonian: November 9, 1981 - present

From August, 1990 through the present, George Westcott has managed the Hooksett Midas Muffler Shop.

14. If the Respondent is something other than a corporation, identify by name and address the owner(s), partner(s), trustee(s), beneficiary(s) or the other principals involved in owning or operating the Respondent. Further identify:
 - a. The date the Respondent was formed;
 - b. The date the Respondent ceased to do business; and
 - c. The date of distribution of assets and liabilities, the name and address to whom they were distributed, and the amount of liabilities distributed.

Miport is a partnership formed on October 18, 1976. Its general partners are/were:

Arthur Epstein 7 Dartmouth Street Malden, MA 02148	1976 - present
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George Potvin 512 Canal Street Lewiston, ME 04240	1976 - 1979
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Morton Ruderman 50 Salem Street Lynnfield, MA 01940	1979 - present
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Miport has not ceased to do business.

15. Identify all commercial customers and/or accounts in New England which the Respondent has serviced and the dates serviced.

Neither the Hooksett or the Newington Midas Muffler Shops have commercial accounts or service commercial customers on an ongoing basis.

16. [To be answered in supplemental Response to RFI]

17. [To be answered in supplemental Response to RFI]

Transporter Questions

18. List the EPA RCRA Identification Number(s) of the Respondent:

The Newington Midas Muffler Shop: #NHD085582443
(Generator)

The Hooksett Midas Muffler Shop: #NHS000001547
(Generator)

19. Have you, or your company, or any other person working with you or on your behalf ever accepted materials (hazardous or non-hazardous) for transportation to the Site?

No.

20. Not applicable.

21. Not applicable.

Generator Questions

22. Have you, or your company, or any other person working with you or on your behalf ever disposed of, arranged or engaged in transactions for disposal or treatment of, or arranged or engaged in transactions for the transportation for disposal or treatment of materials (hazardous or non-hazardous) at or to the Site with any persons?

No. Invoices reviewed and attached as Exhibit C indicate that nonhazardous office trash which employees of the Newington Midas Muffler Shop placed in the shop's dumpster was picked up on a weekly basis by SCA of Maine. None of these invoices indicate that the trash was taken to the Site.

23. Not applicable.

24. Not applicable.

25. Identify any permit number(s) which permitted access to the Site assigned to the Respondent by any entity. In addition, if the Respondent has knowledge or a list of any or all other users or user permit numbers or the Site, please provide that information.

Neither Miport, the Newington Midas or the Hooksett Midas have been assigned any permit numbers permitting access to the Site.

Disposal Practices.

Identify the person(s) responsible for the day to day operations of the Respondent.

Newington Midas Muffler Shop:

1. Alan Joseph: September 9, 1976 - December, 1979.
[Address unknown]
2. Daniel Marquette: March, 1980 - July, 1981
[Address unknown]
3. James Barrett: July, 1981 - November, 1981
[Address unknown]
4. Haig Zeytoonian: November 9, 1981 - present
c/o Midas Muffler Shop
Newington Mall
Newington, N.H. 03801

Hooksett Midas Muffler Shop:

George Westcott: August, 1990 through present
Midas Muffler Shop
1265 Hooksett Plaza
Hooksett, N.H. 03106

27. Describe the acts or omissions of any persons, other than your employees, agents or those persons with whom you had a contractual relationship that may have caused the release or threat of release of hazardous substances at the Site and damages relating therefrom, and identify such person. In addition:

- a. Describe all precautions that you took against foreseeable acts or omissions of any such third parties and the consequences that could foreseeably result from such acts or omissions.

- b. Describe the care you exercised with respect to the hazardous substances found at the Site.

Since neither of the Midas Muffler Shop franchises owned by Miport has generated wastes that were disposed of at the Site, this question is inapplicable to it.

28. Describe in detail how you or your company handled and disposed of all solid waste and hazardous waste from all your New England facilities, from 1972 through 1985, inclusive, including, but not limited to, the following details:
 - a. Describe whether your practices involved any segregation of wastes before disposal, and how you handled and disposed of each type of waste after segregation;
 - b. Describe whether any of your waste handling and disposal practices changed during this period, and if so, on what date and describe the procedures in effect before and after each change; and
 - c. Provide any documentation you have concerning any such waste handling or disposal practices or procedures (for example, without limitation: manifests, invoices, purchase order, internal memoranda, dump receipts, company policies), and give the name and current address of any person who might have knowledge of such practices or procedures.

From its opening in 1976 until 1985, the Midas Muffler Shop at the Newington Mall handled three different types of wastes.

1. Office wastes, including paper, cardboard boxes from the shop, and food, were disposed of nightly in a 4 cubic yard dumpster located adjacent to the building. The dumpster would be emptied on a weekly basis. Documentation found reflecting these transactions is attached as Exhibit C.
2. Scrap metals, including old muffler parts, exhaust system parts, suspensions parts, shock absorbers and other scrap automotive pieces were piled in a trash area adjacent to the dumpster and were collected by various persons (so-called "scrap gypsies") who would take the metal for reclamation. It was the policy at the Newington Midas to segregate these metals since the waste disposal companies servicing the office dumpster refused to take such materials and because the metals would take up too much

space in the dumpster. I believe that these metal parts were often taken to Madbury Metals, Knox Marsh Road, Madbury, New Hampshire, 03820 for reclamation.

3. Brake shoes which contained some asbestos were placed in burlap bags and sent back to Midas Muffler International, the franchisor, for disposal. A credit would be issued to the shop for each brake shoe returned to Midas International because the shoes were reusable.

Policies located relating to waste disposal practices are attached as Exhibit D.

29. Describe any knowledge you or your company have of the disposal of industrial or liquid waste at the Site by you, your company or any other person or entity after or before regular business hours. Give the name and current address of any persons who might have knowledge of such disposal.

Neither Miport nor the two Midas Muffler franchises it owns have any knowledge of the disposal of industrial or liquid waste at the Site by any person or entity after or before regular business hours.

POST OFFICE TO ADDRESSEE

EXPRESS MAIL
NEXT DAY SERVICE



B 74282754

For Postal Use

ORIGIN	Date In: 7-25-91	Postage \$
Post Office ZIP Code: 02114	Time In: 4:21 A.M.	Return Receipt Fee \$
Initials of Receiving Clerk: [Signature]	Weight: 4 lbs 0 oz	
<input checked="" type="checkbox"/> Accepted for next day delivery <input type="checkbox"/> Accepted for this destination after deposit deadline for next day delivery therefore for delivery by second day <small>(Consult your local Express Mail Next Day Service directory for deposit deadlines for different destinations)</small>		Total Postage & Fees \$ 15.25
<input type="checkbox"/> International On Demand Country Code		

For Customer Use

Account Number
(Using an authorized number indicates postage and fees paid)
Express Mail Corporate Account No.
Federal Agency Control No.

FROM:
Lisa A. Rodensky, Esquire
Minter, Levin
One Financial Center - 40th Floor
Boston, MA 02111

DESTINATION	Date of Delivery	Time of Delivery	A.M. P.M.
<input checked="" type="checkbox"/> Signature of Addressee or Agent	[Signature]		
DELIVERY WAS ATTEMPTED	Date	Time	A.M. P.M.
Signature of Delivery Employee			

WAIVER OF SIGNATURE AND INDEMNITY

I wish delivery to be made without obtaining the signature of the addressee or the addressee's agent and I authorize the delivery employee to sign that the shipment was delivered and understand that the signature of the delivery employee will constitute valid proof of delivery.

SIGNED: 1/28/91

ADDRESSEE'S COPY

TO: Telephone Number:

U.S. Environmental Protection Agency
Steven J. Calder, Remedial Project Mgr.
P.O. Box 6422
J.F. Kennedy Station
Boston, MA 02114

Label 11-B (Jan. 1987) - U.S.G.P.O. 1987-178-848-179-070-179-071

Remove The [unclear]